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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,739	03/04/2002	Yuichi Matsumoto	03500.016250	2224

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/086,739

Applicant(s)

MATSUMOTO ET AL.

Examiner

Fred Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 13, 14, 19-21 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 13, 14, 19-21 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/29/2007 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 13-14, 19-21 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 13, 19-20 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2006/0136965 A1).

Regarding Claims 1, 19 and 30, Ellis discloses a data receiving apparatus connected with a recording apparatus (FIG.3, FIG.4) with corresponding method and a storage medium (FIG.3, - 44) storing a program for recording a television broadcast program, and booking to record the program (Para 102 lines 1-3), said data receiving apparatus comprising:

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a receiving unit adapted to receive a television broadcast program (FIG.3, -28);
an input unit adapted to input booking information about a program (FIG.3, -40),
recording of which is booked in said recording apparatus (Para 102); and
a profile generation unit adapted to generate a user profile of the common user of said data receiving apparatus and the recording apparatus on the basis of (a) a view history of a broadcast program received by said receiving unit and (Para 107 lines 1-9) (b) the booking information input by said input unit (Para 107 lines 9-11),

wherein the booking of recording the program in said recording apparatus is based on a user instruction (Para 103 lines 1-3).

Regarding Claims 2 and 20, Ellis further discloses a searching unit adapted to search for a desired program in the television broadcast program received by said receiving unit based on the user profile (Para 77 lines 5-12).

Regarding Claim 13, Ellis discloses Ellis discloses a recording apparatus connected with a data receiving apparatus (FIG.3, FIG.4) for receiving a television broadcast program, said data receiving apparatus comprising:

a receiving unit adapted to receive a television broadcast program (FIG.4, -42);
a recording unit adapted to record the television broadcast program received by said receiving unit, and to book to record the program (FIG.4, -47; Para 102); and
an output unit adapted to output booking information about a program (FIG.4, -45; Para 104 lines 12-13), recording of which is booked in said recording apparatus (Para 104 lines 13-15);
and

wherein the receiving apparatus generates a user profile of the common user of said data receiving apparatus and the recording apparatus on the basis of (a) a view history of a broadcast program received by said receiving unit and (Para 107 lines 1-9) (b) the booking information input by said input unit (Para 107 lines 9-11),

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wherein the booking of recording the program in said recording apparatus is based on a user instruction (Para 103 lines 1-3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2006/0136965 A1) in view of Knudson et al (US 6,748,596 B2).

Regarding Claims 3, 14 and 21, Ellis discloses limitations in Claims 1, 13 and 19. Ellis further discloses updating said user profile based on monitoring program guide usage (Para 9 lines 12-17).

Ellis is silent about cancellation of a scheduling program and updating user profile based on the cancellation of a scheduling program.

In an analogous art, Knudson discloses cancellation of a scheduling program (Col 9 lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Ellis' system to include a cancellation of a scheduling program as taught by Knudson so that more accurate user preference information can be maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER